

**Clarification of the Term "Subtitle D"**

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Archived Memo

TO: Interested Parties

FROM: Bruce H Palin
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Land Quality

RE: Clarification of the term "Subtitle D"

DATE: May 9, 2002

There may have been some misconceptions in the past regarding the use of the term "Subtitle D".

"Subtitle D" has been popularly thought of as denoting a municipal solid waste landfill (MSWLF). However, after much deliberation and research (calls to the RCRA hotline, checks on statutory authority to write federal rules, and reviews of federal rules) new findings have come to light. The term "Subtitle D" means any solid waste land disposal facility that is not permitted for hazardous waste (a hazardous waste landfill). The term is much broader than first thought. **A "Subtitle D" facility could include MSWLFs, construction/demolition debris landfills, and restricted waste landfills.** The term is found specifically in the federal hazardous waste regulation at 40 CFR 268.9(d)(1)(i), but is not defined. This may not be the only instance where this term appears in the federal rules.

Thank you.